

Representative Stephanie Pitcher proposes the following substitute bill:

VICTIM ADDRESS CONFIDENTIALITY PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill creates an address confidentiality program for crime victims.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates an address confidentiality program in the Commission on Criminal and Juvenile Justice;
- ▶ describes eligibility and application requirements for program participants;
- ▶ addresses the administrative responsibilities of the Commission on Criminal and Juvenile Justice in maintaining the address confidentiality program;
- ▶ describes the permitted uses for assigned addresses;
- ▶ permits disclosure to state and local government entities in certain circumstances;
- ▶ addresses service of process, disclosure in judicial and administrative proceedings, and orders relating to custody and parent-time; and
- ▶ addresses immunity and the retention and destruction of records.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **62M-12-101**, Utah Code Annotated 1953

30 **62M-12-102**, Utah Code Annotated 1953

31 **62M-12-103**, Utah Code Annotated 1953

32 **62M-12-104**, Utah Code Annotated 1953

33 **62M-12-105**, Utah Code Annotated 1953

34 **62M-12-106**, Utah Code Annotated 1953

35 **62M-12-107**, Utah Code Annotated 1953

36 **62M-12-108**, Utah Code Annotated 1953

37 **62M-12-109**, Utah Code Annotated 1953

38 **62M-12-110**, Utah Code Annotated 1953

39 **62M-12-111**, Utah Code Annotated 1953

40 **62M-12-112**, Utah Code Annotated 1953

41 **62M-12-113**, Utah Code Annotated 1953

42 **62M-12-114**, Utah Code Annotated 1953

43 **62M-12-115**, Utah Code Annotated 1953

44 **62M-12-116**, Utah Code Annotated 1953

45 **62M-12-117**, Utah Code Annotated 1953

46 **62M-12-118**, Utah Code Annotated 1953

47 **62M-12-119**, Utah Code Annotated 1953

48 **62M-12-120**, Utah Code Annotated 1953

49

50 *Be it enacted by the Legislature of the state of Utah:*

51 Section 1. Section **62M-12-101** is enacted to read:

52 **CHAPTER 12. ADDRESS CONFIDENTIALITY PROGRAM**

53 **62M-12-101. Title.**

54 This chapter is known as "Address Confidentiality Program."

55 Section 2. Section **62M-12-102** is enacted to read:

56 **62M-12-102. Definitions.**

57 As used in this chapter:

58 (1) "Abuse" means any of the following:

59 (a) "Abuse" as that term is defined in Section [76-5-111](#) or [78A-6-105](#); or

60 (b) "Child abuse" as that term is defined in Section [76-5-109](#).

61 (2) "Actual address" means the residential street address, school address, business
62 address, or work address of the program participant that is stated in a program participant's
63 application for enrollment, or on a notice of a change of address under Section [62M-12-111](#).

64 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
65 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
66 program or a minor or incapacitated individual residing with an applicant for the program.

67 (4) "Assigned address" means an address designated by the commission and assigned
68 to a program participant.

69 (5) "Authorization card" means a card issued by the commission that identifies a
70 program participant as enrolled in the program with the program participant's assigned address
71 and the date on which the program participant will no longer be enrolled in the program.

72 (6) "Commission" means the State Commission on Criminal and Juvenile Justice
73 created in Chapter 7, Part 2, Commission on Criminal and Juvenile Justice.

74 (7) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).

75 (8) "Human trafficking" means a human trafficking offense under Section [76-5-308](#).

76 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in
77 Section [75-1-201](#).

78 (10) (a) "Mail" means first class letters or flats delivered by the United States Postal
79 Service, including priority, express, and certified mail.

80 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
81 package, parcel, periodical, or catalogue is clearly identifiable as:

82 (i) being sent by a federal, state, or local agency or another government entity; or

83 (ii) a pharmaceutical or medical item.

84 (11) "Minor" means a person under the age of 18 years.

85 (12) "Notification form" means a form issued by the commission that a program
86 participant may send to a person demonstrating that the program participant is enrolled in the
87 program.

88 (13) "Program" means the Address Confidentiality Program, created in Section
89 62M-12-103.

90 (14) "Program assistant" means an individual designated by the commission under
91 Section 62M-12-105 to assist an applicant or program participant.

92 (15) "Program participant" means an individual who is enrolled under Section
93 62M-12-107 by the commission to participate in the program.

94 (16) "Record" means the same as that term is defined in Section 63G-2-103.

95 (17) "Sexual offense" means a sexual offense under Title 76, Chapter 5, Part 4, Sexual
96 Offenses.

97 (18) "Stalking" means the crime of stalking, as defined in Section 76-5-106.5.

98 (19) "State or local government entity" means a county, municipality, higher education
99 institution, local district, special service district, or any other political subdivision of the state
100 or an administrative subunit of the executive, legislative, or judicial branch, including:

101 (a) a law enforcement entity or any other investigative entity, agency, department,
102 division, bureau, board, or commission; or

103 (b) an individual acting or purporting to act for or on behalf of a state or local entity,
104 including an elected or appointed public official.

105 (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking,
106 or sexual assault.

107 Section 3. Section **62M-12-103** is enacted to read:

108 **62M-12-103. Creation -- Office responsibilities.**

109 (1) There is created within the commission the Address Confidentiality Program.

110 (2) Under the program, the commission shall:

111 (a) designate, train, and manage program assistants;

112 (b) develop, distribute, and process application forms and related materials for the
113 program;

114 (c) designate an assigned address for a program participant to be used by the program
115 participation and a state and local government entity;

116 (d) receive mail sent to a program participant's assigned address, forward the mail to
117 the program participant's actual address at the commission's expense, and track and maintain
118 records for all mail received; and

119 (e) arrange for the program participant at the program participant's expense to receive
120 items other than mail if requested by the program participant and agreed to by the commission.

121 Section 4. Section **62M-12-104** is enacted to read:

122 **62M-12-104. Eligibility.**

123 (1) An applicant is eligible to participate in the program if the applicant attests that the
124 applicant:

125 (a) is a resident of this state;

126 (b) (i) is a victim;

127 (ii) is a parent or a guardian of an individual who is a victim;

128 (iii) is the resident of a household where a victim resides; or

129 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or
130 incapacitated individual residing with the applicant, from a threat of abuse, domestic violence,
131 human trafficking, stalking, or sexual assault;

132 (c) (i) resided at a residential address that was known by an assailant and relocated
133 within the past 90 days to a different residential address that is not known by the assailant;

134 (ii) resides at a residential address known by the assailant and plans to relocate within
135 90 days to a different residential address in the state that is not known by the assailant; or

136 (iii) resides at a residential address that is not known by the assailant; and

137 (d) will not disclose the different residential address to the assailant.

138 (2) An applicant may participate in the program regardless of whether:

139 (a) a criminal charge is filed against an assailant;

140 (b) the applicant has a restraining order or injunction against an assailant; or

141 (c) the applicant reported an act or threat by an assailant to a law enforcement agency
142 or officer.

143 (3) An applicant may participate in the program only upon the recommendation of a
144 program assistant.

145 (4) An applicant shall sign, date, and verify the information on an application to
146 participate in the program.

147 (5) A parent or guardian may act on behalf of a minor or incapacitated individual in
148 determining whether the minor or incapacitated individual is eligible for the program.

149 Section 5. Section **62M-12-105** is enacted to read:

150 **62M-12-105. Designation of program assistants.**

151 (1) The commission may designate as a program assistant, an individual that:
152 (a) (i) is an employee of the commission or a state or local government entity; or
153 (ii) is a volunteer for an organization that provides counseling, assistance, or support
154 services at no charge to victims; and

155 (b) (i) provides counseling, referrals, or other services to victims; and
156 (ii) completes any training or registration process required by the commission.

157 (2) A program assistant shall:

158 (a) assist an applicant in preparing an application for the program; and
159 (b) sign, date, and verify an application for the program.

160 (3) A signature of a program assistant is a recommendation by the program assistant
161 that the applicant is eligible to participate in the program under Section [62M-12-104](#).

162 Section 6. Section **62M-12-106** is enacted to read:

163 **62M-12-106. Administration -- Application.**

164 (1) The commission shall provide an application form to an applicant who seeks to
165 participate in the program under this chapter.

166 (2) The commission may not charge a program participant for an application or
167 participation fee to apply for, or participate in, the program.

168 (3) The application shall include:

169 (a) the applicant's name;

170 (b) a mailing address, phone number, and email address where the applicant may be
171 contacted by the commission;

172 (c) an indication regarding whether the assailant is employed by a state or local
173 government entity and the name of the state or local government entity;

174 (d) a statement that the applicant understands and consents to:

175 (i) remain enrolled in the program for four years, unless, under Section [62M-12-117](#),
176 the applicant cancels the applicant's participation or is disenrolled;

177 (ii) while the applicant is enrolled in the program, notify the commission when the
178 applicant changes the applicant's actual address or legal name;

179 (iii) develop a safety plan with a program assistant;

180 (iv) authorize the commission to notify a state and local government entity that the

181 applicant is a program participant;
182 (v) submit written notice to the commission if the applicant chooses to cancel the
183 applicant's participation in the program; and
184 (vi) certify that the commission is the applicant's designated agent for service of
185 process for personal service;
186 (e) evidence that the applicant, or a child or incapacitated individual residing with the
187 applicant, is a victim, including:
188 (i) a law enforcement, court, or other state, local, or federal government agency record;
189 or
190 (ii) a document from:
191 (A) a domestic violence program, facility, or shelter;
192 (B) a sexual assault program; or
193 (C) a religious, medical, or other professional from whom the applicant, or the minor
194 or incapacitated individual residing with the applicant, sought assistance in dealing with
195 alleged abuse, domestic violence, stalking, or a sexual offense;
196 (f) a statement from the applicant that a disclosure of the applicant's actual address
197 would endanger the applicant or a minor or incapacitated individual residing with the
198 applicant;
199 (g) a statement by the applicant that the applicant:
200 (i) resides at a residential address that is not known by the assailant;
201 (ii) has confidentially relocated to a different residential address in the past 90 days that
202 is not known by the assailant; or
203 (iii) will relocate to a different residential address in the state within 90 days that is not
204 known by the assailant;
205 (h) the actual address that:
206 (i) the applicant requests that the commission not disclose; and
207 (ii) is at risk of discovery by the assailant or potential assailant;
208 (i) a statement by the applicant disclosing:
209 (i) the existence of a court order or action involving the applicant, or a minor or
210 incapacitated individual residing with the applicant, related to a divorce proceeding, child
211 support order or judgment, or the allocation of custody or parent time; and

- 212 (ii) the court that issued the order or has jurisdiction over the action;
- 213 (j) the name of any other individual who resides with the applicant who needs to be a
- 214 program participant to ensure the safety of the applicant, or a minor or incapacitated individual
- 215 residing with the applicant;
- 216 (k) a statement by the applicant, under penalty of perjury, that the information
- 217 contained in the application is true; and
- 218 (l) a statement that any assistance or counseling provided by a program assistant as part
- 219 of the program does not constitute legal advice or legal services to the applicant.

220 Section 7. Section **62M-12-107** is enacted to read:

221 **62M-12-107. Enrollment of a program participant.**

222 (1) (a) Within five business days after the day on which the commission grants

223 enrollment to a program participant, the commission shall issue the program participant:

- 224 (i) an assigned address;
- 225 (ii) an authorization card; and
- 226 (iii) a notification form.

227 (b) An authorization card is valid while the program participant is enrolled in the

228 program.

229 (2) A program participant is enrolled in the program for four years beginning on the

230 day on which the enrollment is granted, unless the enrollment is withdrawn or cancelled before

231 the end of the four-year period under Section [62M-12-117](#).

232 (3) A program participant may withdraw from the program by filing a request for

233 withdrawal with the commission that is acknowledged before a notary public.

234 (4) (a) A program participant may renew enrollment by filing a renewal application

235 with the commission at least 30 days before the day on which enrollment in the program will

236 expire.

237 (b) The applicant shall date, sign, and verify the renewal application.

238 (c) The renewal application shall contain:

- 239 (i) all statements or information required by Subsection [62M-12-106](#)(3) that have
- 240 changed from the original application or a prior renewal application; and

- 241 (ii) a statement by the applicant, under penalty of perjury, that the information
- 242 contained in the renewal application is true.

243 Section 8. Section **62M-12-108** is enacted to read:

244 **62M-12-108. Use of assigned address -- Release of information.**

245 (1) The commission shall forward all mail the office receives at the assigned address
246 for a program participant to the program participant's actual address.

247 (2) The commission shall provide, at the request of a program participant or a state or
248 local government entity, confirmation of an individual's status as a program participant.

249 (3) Except as provided in Sections [62M-12-112](#) and [62M-12-113](#), the office may not
250 disclose a program participant's actual address to any person.

251 Section 9. Section **62M-12-109** is enacted to read:

252 **62M-12-109. Use of assigned address -- Confidentiality.**

253 (1) A program participant may use the assigned address provided to the program
254 participant to receive mail as provided in Subsection [62M-12-103](#)(2).

255 (2) (a) A state or local government entity may not refuse to use a program participant's
256 assigned address for any official business, unless, in accordance with statutory requirements,
257 the state or local government entity is required to use the program participant's actual address.

258 (b) A state or local government entity may confirm an individual's status as a program
259 participant with the commission.

260 (3) A state or local government entity, after receiving a copy of the notification form
261 from a program participant, may not:

262 (a) except as provided in Subsection (2)(a), refuse to use the assigned address for the
263 program participant, or a minor or incapacitated individual residing with the program
264 participant;

265 (b) except as provided in Subsection (2)(a), require a program participant to disclose
266 the program participant's actual address; or

267 (c) intentionally disclose to another person or state or government entity the program
268 participant's actual address.

269 (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program
270 participant to disclose the program participant's actual address:

271 (a) for voter registration; and

272 (b) to enroll a program participant in a program designed to protect the confidentiality
273 of a voter's address.

274 (5) If a program participant is enrolled in a program designed to protect the
275 confidentiality of a voter's address, a county clerk may not disclose the program participant's
276 actual address.

277 Section 10. Section **62M-12-110** is enacted to read:

278 **62M-12-110. Disclosure of actual address prohibited.**

279 (1) (a) The commission may not disclose a program participant's actual address or
280 telephone number, unless:

281 (i) required by a court order; or

282 (ii) the commission grants a request from a state or local government entity under
283 Section [62M-12-113](#).

284 (b) The commission shall provide a program participant immediate notification of a
285 disclosure of the program participant's actual address or telephone number if the disclosure is
286 made under Subsection (1)(a)(i) or (ii).

287 (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is
288 subject to a court order relating to a divorce proceeding, child support order or judgment, or an
289 allocation of custody or parent-time, the commission shall provide notice of whether the
290 applicant is enrolled under the program and the assigned address of the applicant to the court
291 that issued the order or has jurisdiction over the action.

292 (3) A person may not knowingly or intentionally obtain a program participant's actual
293 address or telephone number from the commission or any state or local government entity if the
294 person is not authorized to obtain the program participant's actual address.

295 (4) Unless the disclosure is permitted under this chapter or is otherwise permitted by
296 law, an employee of the commission or a state or local government entity may not knowingly
297 or intentionally disclose a program participant's actual address or telephone number if:

298 (a) the employee obtains a program participant's actual address or telephone number
299 during the course of the employee's official duties; and

300 (b) at the time of disclosure, the employee has specific knowledge that the address or
301 telephone number is the actual address or telephone number of the program participant.

302 (5) A person who intentionally or knowingly obtains or discloses information in
303 violation of this chapter is guilty of a class B misdemeanor.

304 Section 11. Section **62M-12-111** is enacted to read:

305 **62M-12-111. Change of name, address, or telephone number.**

306 (1) A program participant shall notify the commission no later than 30 days after the
307 day on which the program participant obtains a legal name change, by providing the
308 commission with a certified copy of a judgment or order establishing the name change, or any
309 other documentation that is sufficient evidence of the name change.

310 (2) A program participant shall notify the commission no later than seven days after the
311 day on which the program participant's address or telephone number changes from the address
312 or telephone number listed for the program participant.

313 Section 12. Section **62M-12-112** is enacted to read:

314 **62M-12-112. Address use by state or local government entities.**

315 (1) A program participant is responsible for requesting that a state or local government
316 entity use the program participant's assigned address as the program participant's residential,
317 work, or school address.

318 (2) Except as otherwise provided in this chapter, if a program participant submits a
319 valid authorization card, or a notification form, to a state or local government entity, the state
320 or local government entity shall accept the assigned address listed on the authorization card or
321 notification form as the program participant's address to be used as the program participant's
322 residential, work, or school address when creating a record.

323 (3) The program participant's assigned address shall be listed as the last known address
324 if any last known address requirement is needed by the state or local government entity.

325 (4) The state or local government entity may photocopy a program participant's
326 authorization card for a record for the state or local government entity, but the state or local
327 government entity shall immediately return the authorization card to the program participant.

328 (5) (a) An election official, as defined in Section [20A-1-102](#), shall:

329 (i) use a program participant's actual address for precinct designation and all official
330 election-related purposes; and

331 (ii) keep the program participant's actual address confidential from the public.

332 (b) A program participant may not use the program participant's assigned address for
333 voter registration.

334 (c) An election official shall use the assigned address for all correspondence and mail
335 for the program participant placed in the United States mail.

336 (d) A state or local government entity's access to a program participant's voter
337 registration is subject to the request for disclosure process under Section 62M-12-113.

338 (e) This Subsection (5) applies only to a program participant who submits a valid
339 authorization card or a notification form when registering to vote.

340 (6) (a) A state or local government entity may not use a program participant's assigned
341 address for the purposes of listing, appraising, or assessing property taxes, and collecting
342 property taxes.

343 (b) All property assessments and tax notices, property tax collection notices, and all
344 property related correspondence placed in the United States mail for the program participant is
345 required to be addressed to the assigned address.

346 (7) (a) A state or government entity may not use a program participant's assigned
347 address for purposes of assessing any taxes or fees on a motor vehicle or for titling or
348 registering a motor vehicle.

349 (b) All vehicle assessments and tax notices, vehicle or title registration notices, and all
350 vehicle related correspondence placed in the United States mail for the program participant is
351 required to be addressed to the assigned address.

352 (8) If a program participant is required by law to swear or affirm to the program
353 participant's address, the program participant may use the program participant's assigned
354 address.

355 (9) (a) A school district shall:

356 (i) accept the assigned address as the address of record; and

357 (ii) verify student enrollment eligibility with the commission.

358 (b) The commission shall help facilitate the transfer of student records as needed.

359 (10) (a) A program participant's actual address and telephone number maintained by a
360 state or local government entity, or disclosed to a state or government entity by the commission
361 under Section 62M-12-113, is confidential and may not be disclosed under Title 63G, Chapter
362 2, Government Records Access and Management Act.

363 (b) A program participant's actual address and telephone number may not be disclosed
364 to a third party by a state or local government entity, except:

365 (i) in a record created more than 90 days before the date on which the program
366 participant applied for enrollment in the program; or

367 (ii) if a program participant voluntarily requests that the program participant's actual
368 address be disclosed to the third party.

369 (c) For a record created within 90 days before the date that a program participant
370 applied for enrollment in the program, a state or local government entity shall redact the actual
371 address from the record or change the actual address to the assigned address in the public
372 record if the program participant presents a valid authorization card or a notification form and
373 requests that the state or local government entity use the assigned address instead of the actual
374 address on the record.

375 Section 13. Section **62M-12-113** is enacted to read:

376 **62M-12-113. Request for disclosure.**

377 (1) A state or local government entity requesting disclosure of a program participant's
378 actual address in accordance with this section shall make the request:

379 (a) in writing;

380 (b) on the state and local government entity's letterhead; and

381 (c) with the signature of the head or an executive-level official of the state or local
382 government entity.

383 (2) In accordance with Subsection (1), a state or local government entity requesting
384 disclosure of a program participant's actual address shall provide the commission with the
385 name of the program participant and a statement:

386 (a) explaining why the state or local government entity is requesting the program
387 participant's actual address;

388 (b) explaining why the state or local government entity cannot meet the state or local
389 government entity's statutory or administrative obligations without the disclosure of the
390 program participant's actual address;

391 (c) of facts showing that other methods to locate the program participant's actual
392 address have failed, or other methods will be unlikely to succeed; and

393 (d) that the state or local government entity has adopted a procedure to protect the
394 confidentiality of the program participant's actual address.

395 (3) In response to a request for disclosure under Subsection (2), the commission may
396 request additional information from the state or local government entity in order to help
397 identify the program participant in the records of the office or to assess whether disclosure to

398 the state or local government entity is permitted under this chapter.

399 (4) (a) Except as provided in Subsection (4)(b), after receiving a request for disclosure
400 from a state or local government entity under Subsection (1), the commission shall provide a
401 program participant with written notification:

402 (i) informing the participant of the request, and to the extent possible, of an opportunity
403 to be heard regarding the request; and

404 (ii) after a decision is made by the office, whether the request has been granted or
405 denied by the commission.

406 (b) The commission is not required to provide notice of a request for disclosure to a
407 program participant under Subsection (4)(a) when:

408 (i) the request is made by a state or local law enforcement agency conducting a
409 criminal investigation involving alleged criminal conduct by the program participant; or

410 (ii) providing notice to the program participant would jeopardize an ongoing criminal
411 investigation or the safety of law enforcement personnel.

412 (5) The commission shall grant a state or local government entity's request for
413 disclosure and disclose the program participant's actual address if:

414 (a) the state or local government entity has demonstrated a good faith statutory or
415 administrative need for the actual address;

416 (b) the actual address will only be used for the purpose stated in the request;

417 (c) other methods to locate the program participant or the program participant's actual
418 address have failed, or the other methods are unlikely to succeed; and

419 (d) the state or local government entity has adopted a procedure to protect the
420 confidentiality of the program participant's actual address.

421 (6) If the commission grants a request for disclosure under this section, the commission
422 shall provide the state or local government entity with a disclosure that contains:

423 (a) the program participant's actual address;

424 (b) a statement of the permitted use of the program participant's actual address;

425 (c) the names or classes of persons permitted to have access to or use of the program
426 participant's actual address;

427 (d) a statement that the state or local government entity is required to limit access to
428 and use of the program participant's actual address to the permitted use and to the listed persons

429 or classes of persons; and

430 (e) if expiration of the disclosure is appropriate, the date on which the permitted use of
431 the program participant's actual address expires.

432 (7) If a request for disclosure is granted by the commission, a state or local government
433 entity shall:

434 (a) limit use of the program participant's actual address to the purpose stated in the
435 disclosure;

436 (b) limit access to the program participant's actual address to the persons or classes of
437 persons stated in the disclosure;

438 (c) cease use of the program participant's actual address upon the expiration of the
439 permitted use;

440 (d) dispose of the program participant's actual address upon the expiration of the
441 permitted use; and

442 (e) except as permitted in the request for disclosure, maintain the confidentiality of the
443 program participant's actual address.

444 (8) Upon denial of a state or local government entity's request for disclosure, the
445 commission shall promptly provide a written notification to the state or local government entity
446 explaining the specific reasons for denying the request for disclosure.

447 (9) (a) A state or local government agency may file a written appeal with the
448 commission no later than 15 days after the day on which the state or local government agency
449 receives the written notification under Subsection (8).

450 (b) A state or local government agency filing a written appeal under Subsection (9)(a)
451 shall:

452 (i) restate the information contained in the request for disclosure;

453 (ii) state the grounds on which the state or local government entity asserts the request
454 for disclosure should be granted; and

455 (iii) respond to the commission's reason for denying the request for disclosure.

456 (c) The commission shall make a final determination on the appeal within 30 days after
457 the day on which the appeal is received by the commission, unless the state or local
458 government entity and the office agree to a different deadline.

459 (d) Before the commission makes a final determination, the commission may conduct a

460 hearing or request additional information from the state or local government entity or the
461 program participant.

462 Section 14. Section **62M-12-114** is enacted to read:

463 **62M-12-114. Service of process at the assigned address.**

464 (1) In accordance with the Utah Rules of Civil Procedure, Rule (4)(d)(1)(A), the
465 commission is the agent authorized to receive process for a program participant.

466 (2) In accordance with the Utah Rules of Civil Procedure, Rule (5)(b)(3)(c), the last
467 known address for a program participant is the program participant's assigned address, not the
468 program participant's actual address.

469 Section 15. Section **62M-12-115** is enacted to read:

470 **62M-12-115. Participation in the program -- Orders in relation to allocation of**
471 **custody or parent-time.**

472 (1) A court may not consider the parent's participation in the program for the purpose
473 of, making an order allocating custody under Section [30-3-10](#) or parent-time under Section
474 [30-3-32](#).

475 (2) A court shall take practical measures to keep a program participant's actual address
476 confidential when making an order allocating custody or parent-time.

477 (3) Nothing in this chapter affects an order relating to the allocation of custody or
478 parent-time in effect prior to or during a program participant's participation in the program.

479 Section 16. Section **62M-12-116** is enacted to read:

480 **62M-12-116. Disclosure of address or identifiable information in a judicial or**
481 **administrative proceeding.**

482 (1) A program participant may submit the program participant's actual address to the
483 court as a safeguarded record in accordance with the Utah Judicial Council Code of Judicial
484 Administration, Rule 4-202.02.

485 (2) A person may not compel disclosure of a program participant's actual address or
486 identifying information related to the program participant's residence, work, or school during a
487 proceeding in a court or administrative proceeding, unless:

488 (a) the court orders the disclosure of the program participant's address; or

489 (b) an administrative tribunal finds, based on a preponderance of the evidence, that:

490 (i) the disclosure is required in the interest of justice;

491 (ii) public interest in the disclosure substantially outweighs the potential harm to the
492 program participant; or

493 (iii) no other alternative would satisfy the necessity of the disclosure.

494 (2) If disclosure of a program participant's actual address is required in a proceeding
495 before a court or administrative tribunal, the court or administrative tribunal may seal the
496 portion of a record that contains the program participant's actual address.

497 (3) Nothing in this section prevents a state or local government entity from using a
498 program participant's actual address in filing a document or record with a court or
499 administrative tribunal if, at the time of the filing, the document or record is filed under seal or
500 not a public record.

501 Section 17. Section **62M-12-117** is enacted to read:

502 **62M-12-117. Cancellation of enrollment -- Records.**

503 (1) The commission shall cancel a program participant's enrollment in the program if:

504 (a) the program participant submits to the commission a written request to withdraw
505 from enrollment in accordance with Section [62M-12-107](#);

506 (b) the program participant fails to notify the commission of a change in the program
507 participant's name, address, or telephone number that is listed on the application;

508 (c) the program participant, or a parent or guardian of the program participant,
509 knowingly submits false information in the program application; or

510 (d) mail forwarded to the program participant by the commission is returned as
511 undeliverable.

512 (2) (a) If the commission determines that there are grounds for cancelling a program
513 participant's enrollment in accordance with Subsection (1), the commission shall send notice of
514 the cancellation with the reason for cancellation to the program participant at the program
515 participant's actual address.

516 (b) A program participant has 30 days to appeal the cancellation decision in accordance
517 with procedures developed by the commission.

518 (3) A program participant who receives a notice of cancellation is responsible for
519 notifying a person who uses the program participant's assigned address to communicate with
520 the program participant that the assigned address is no longer valid.

521 (4) If the commission cancels a program participant's enrollment in the program, the

522 program participant is not eligible to participate in the program for six months after the date on
523 which the commission cancels the program participant's enrollment in the program.

524 Section 18. Section **62M-12-118** is enacted to read:

525 **62M-12-118. Retention and destruction of records.**

526 The commission shall establish policies and procedures regarding the maintenance and
527 destruction of applications, records, and other documents received or generated under this
528 chapter.

529 Section 19. Section **62M-12-119** is enacted to read:

530 **62M-12-119. Immunity from suit.**

531 (1) A program assistant or program assistant's employer is immune from liability in a
532 civil action or proceeding involving the performance or nonperformance of a duty under the
533 this chapter, unless the performance or nonperformance of a program participant was
534 manifestly outside the scope of the program assistant's duties in the program or the program
535 participant acted with malicious purpose, bad faith, or in a wanton or reckless manner.

536 (2) In addition to the governmental immunity granted in Title 63G, Chapter 7,
537 Governmental Immunity Act of Utah, or any other governmental immunity provided by law,
538 the commission, the state, and the political subdivisions of the state are immune from liability
539 in a civil action or proceeding involving the performance or nonperformance of a duty under
540 the address confidentiality program.

541 Section 20. Section **62M-12-120** is enacted to read:

542 **62M-12-120. Address confidentiality program fund.**

543 (1) There is created an expendable special revenue fund known as the Address
544 Confidentiality Program Fund.

545 (2) The fund shall consist of gifts, grants, donations, and bequests of real property or
546 personal property made to the fund.

547 (3) A donor to the fund may designate a specific purpose for the use of the donor's
548 donation if the designated purpose is described in Subsection (4).

549 (4) Subject to Subsection (3), money in the fund shall be used for the following
550 activities:

551 (a) efforts to designate, train, and manage program assistants;

552 (b) efforts to develop, distribute, and process application forms and related materials

553 for the program;

554 (c) efforts to assist applicants and program participants in enrolling in the program; and

555 (d) efforts to ensure program participants receive mail forwarded from the program to

556 the program participant's actual address.

557 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,

558 State Money Management Act, except that all interest and other earning derived from the fund

559 shall be deposited into the fund.

560 (6) Money in the fund may not be used for expenses of the commission that are

561 normally provided for by legislative appropriation.

562 (7) No later than December 31 of each year, the commission shall provide to the

563 Executive Offices and Criminal Justice Appropriations Subcommittee a written report

564 regarding the status of the fund, including the contributions received and expenditures made by

565 the commission.